

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-13 remain pending in the application. Claims 6, 12 and 13 are withdrawn from consideration.

Information Disclosure Statement

An IDS is submitted with this response. This IDS provides Japanese Utility Model publications, and English translation of Claims and Brief Description of the Drawings) of:

JP-U1-H02-35214 (Japanese Utility Model Application No. 112745/1998)

JP-U1-H04-34779 (Japanese Utility Model Application No. 75382/1990).

Copies of the previously cited Japanese documents are also submitted with this new IDS and relisted thereon. Consideration and recordation are therefore respectfully solicited.

Claim Amendments/Status

In this response, the claims have been amended in a manner consistent with the Examiner's suggestions. These amendments are therefore seen as overcoming the objections and rejection set forth in paragraphs #3 - #4 of this Office Action. The rejection of claims 5 and 11 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention, is deemed overcome by the same amendments.

Rejections under 35 USC § 102

The rejection of claims 1-5 and 8-11 under 35 USC 102(b) as being anticipated by Carpenter et al. (US 5,771,540) is respectfully traversed.

1) In Carpenter et al. the torsion bar (torsion rod) 25 is inserted in the shaft 31, but the torsion bar 25 does not penetrate all the way through the shaft 31. This is clear from the fact

that the shaft 31 is fixed to the other end 37 of the torsion bar 25 (lines 50 to 53, column 2 of the specification), and it is also clear from Figures 1 and 2.

Meanwhile, in the structure recited in the claims, the torsion bar 14 (Figures 2 and 8), the torsion bar 34 (Figure 13) and the torsion bar 44 (Figures 17 and 23) penetrate through the shaft 13 (Figures 2 and 3) and the shaft 23 (Figures 9, 10, 13, 17 and 23), and parts of these torsion bars are exposed outside both ends of these shafts. Because the torsion bar penetrates through the shaft, the size of the device can be reduced — reduced as much as the length of the penetrated portion of the shaft — in a direction along the length of the torsion bar (i.e., the axial direction of the shaft). Therefore, the present invention has such an effect that the length of the device can be reduced even when torsion bars are used. Carpenter et al. neither discloses nor suggests such a structure/ effect.

2) In Carpenter et al., the friction-force generating mechanism is formed with the hinge bracket 21 and the hinge bracket 23, into which the hinge bracket 21 is inserted. In this structure, the shaft 31 is not a member that constitutes the friction-force generating mechanism. The shaft 31 is a member that fixes the other end 37 of the torsion bar 25 onto the hinge bracket 23, and is not a member that constitutes the friction-force generating mechanism.

Meanwhile, the shaft 13 of the claimed invention is a member that rotatably supports the rotation-side member on the stationary-side member, and therefore is a member that constitutes the friction-force generating mechanism 12. Accordingly, the shaft 13 of the claimed invention is a member that performs a different action from that of the shaft 31 of Carpenter et al. Therefore, the shaft of the claimed invention is not the same as the shaft of Carpenter et al.

Furthermore, the torsion bar 14 of the claimed invention penetrates through the shaft 13 in such a way that parts of the torsion bar 14 becomes exposed outside both ends of the shaft 13 that constitutes the friction-force generating mechanism 12. In such a structure where the torsion bar 14 penetrates through the shaft 13 that constitutes the friction-force generating mechanism 12, even when the friction-force generating mechanism 12 is combined with the torsion bar 14, the length of the entire device can be reduced, which is advanced as being an excellent effect that is enabled by the claimed subject matter.

Rejections under 35 USC § 103

The rejection of claim 7 under 35 USC 103(a) as being unpatentable over Carpenter et al. as applied to claim 1, and further in view of Kaneko et al. (US 6,421,878) is, to the degree that it is still pertinent to the claimed subject matter, respectfully traversed.

This rejection is submitted as overcome by the traverse of the above discussed § 102 rejection.

Further, a review of the Carpenter et al. arrangement would suggest that there is no need for a spring washer of the nature found in Kaneko et al. Indeed, it is not clear how the washer could be used to “tune” the friction torque produced by the hinge of Carpenter et al. in that it appears that it is interaction between cylindrical surfaces which is the key in this reference. Indeed, Carpenter et al. makes it clear (see the abstract for example) that the arrangement is intended to produce a low torque when a lid associated with the torsion bar is first opened and larger as the display reached a usual range of motion. This non-linear application of torque would not seem to be effected in a desirable way via the application of just one of the spring washers which are used in the Kaneko et al. arrangement.

Besides, it is submitted that the disclosure of Kaneko is such as to indicate that it is a combination of interacting washers which are the pith of the disclosed invention. As such, it is submitted that selecting one washer from among the arrangement of interacting washers shown in Kaneko et al., for use in Carpenter et al. would seem to amount to cherry picking beyond that which could be seen as flowing from the teachings of the references involved and also to be in need of inventive activity beyond that permissible under the § 103 statute.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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